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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/624,648	07/23/2003	Masatoshi Mori	116473	6900
25944	7590	02/21/2006	EXAMINER	
OLIFF & BERRIDGE, PLC P.O. BOX 19928 ALEXANDRIA, VA 22320			THANH, QUANG D	
			ART UNIT	PAPER NUMBER
			3764	

DATE MAILED: 02/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/624,648	MORI ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Quang D. Thanh	3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-16 is/are rejected.
- 7) ☒ Claim(s) 4-7 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1/7/04</u> .  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Priority*

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### *Specification*

2. The disclosure is objected to because: spelling error "flame" found throughout the specification (for example on p. 3, line 5) and should be replaced with -- frame --. Correction is required. See MPEP § 608.01(b).
3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: "an output shaft" (?) of the actuator (?) in claim 3.

### *Drawings*

4. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the arms **each** hold a **plurality** of the push rollers" must be shown or the feature(s) canceled from the claim 10. No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not

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be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

5. Claims 1 and 13 are objected to because of the following informalities: "base flame" should be replaced with -- base frame --; the phrase "push roller(s) held rotatably by the rod" appears to be inaccurate and it is suggested to be replaced with -- push roller(s) held rotatably by arm(s) fixed to the rod --; and "the rotational shaft center of the rod" (in claims 1 and 13) lacks antecedent basis and should be replaced with -- a rotational shaft center of the rod --. Appropriate correction is required.

6. Claim 4 is objected to because of the following informalities: "the rotation center of the links" lacks antecedent basis and should be replaced with -- a rotation center of each link --

7. Claim 6 is objected to because of the following informalities: the phrase "wherein the rod is in contact with the guide sections and the recessed sections

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serving as the front walls of the base frame through bushes” is grammatically awkward and unclear. It is recommended to be replaced with – wherein bushes are provided at each end of the rod and are in contact with the guide sections and the recessed sections, and the guide sections serving as the front walls of the base frame –

***Claim Rejections - 35 USC § 112***

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 3 and 13-16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

10. Re claim 3, “an actuator” is unclear whether this actuator is the same or different from the actuator already recited in claim 2. To avoid confusion, it is suggested to replace this with – a second actuator --.

11. Re claim 13, the term “the flanges” lack antecedent basis and is not clear whether the flanges are the same as the guide sections or different. If they are the same, then the specification is required to clarify that the flanges 12 are the same as the guide sections 12 (?).

12. The rest of the claims are rejected because they depend on a rejected claim.

***Claim Rejections - 35 USC § 102***

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Hwang (5,184,607). Hwang discloses a seat with a massage mechanism comprising: a pair of brackets (see fig. 1 below) held on opposite sides of a base frame 3 such that they can move vertically (col.2, lines 2-4); a rod 1241 arranged rotatably relative to the brackets; and a push roller 125 held rotatably by the rod in a position eccentric from a rotational shaft center of the rod (best seen in fig. 1).

U.S. Patent

Feb. 9, 1993

Sheet 1 of 3

5,184,607

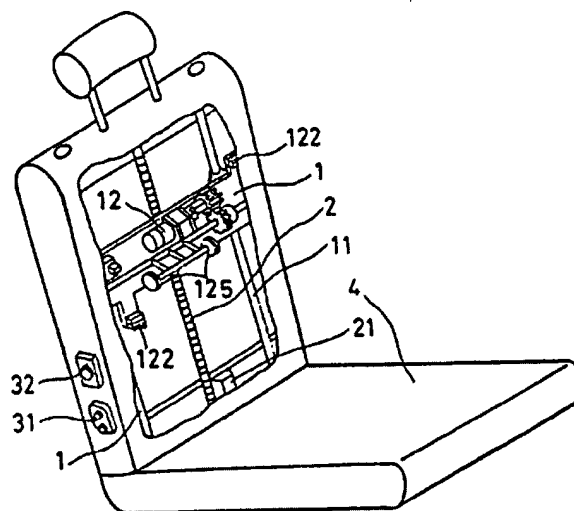


FIG. 4

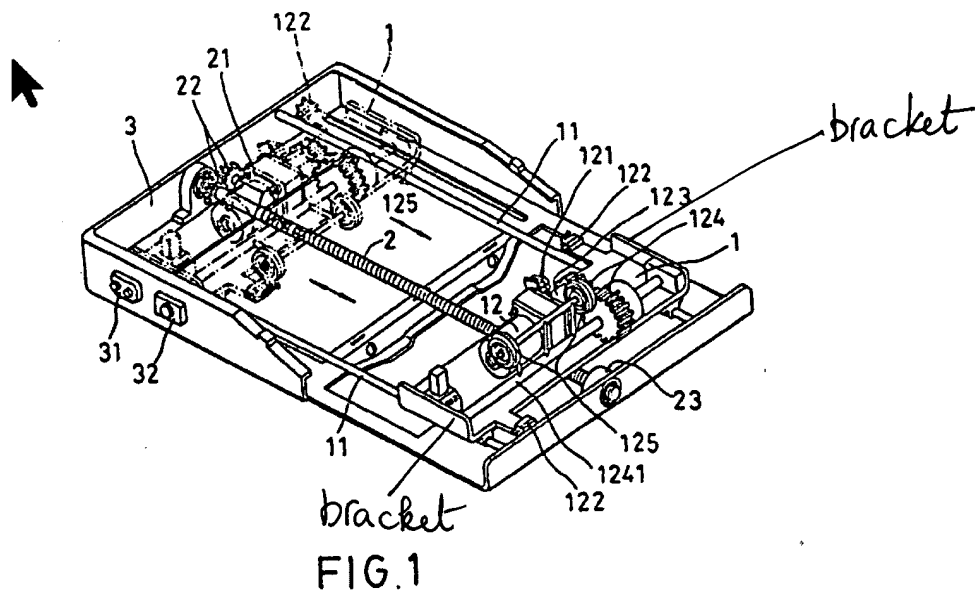


FIG. 1

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15. Claims 1-3, as best understood, are rejected under 35 U.S.C. 102(e) as being anticipated by Maier (6,394,970). Maier discloses a seat with a massage mechanism comprising: a pair of brackets 13 (fig. 3) held on opposite sides of a base frame 19 such that they can move vertically (fig. 1, col. 3 lines 4-42); a rod 6 arranged rotatably relative to the brackets; and a push roller (28 or 29 with rollers shown in fig. 2) held rotatably by the rod in a position eccentric from a rotational shaft center of the rod (best seen in fig. 2); links 3 connecting the rod 6 with the brackets 13 (fig. 2); an actuator 1 for rotating the rod; and a driving mechanism 16/22/24/25 for vertically moving the brackets (fig. 1); wherein rod is supported by the brackets through the links, the actuator 1 is held by one of the links (fig. 2), and the driving mechanism 16 is held by the base frame 19 (fig. 1); wherein the driving mechanism comprises a second actuator 16 and screw-nut mechanisms 22/24-25 arranged along opposite sides the base frame and moving in synchronization with an output shaft of the actuator 16 (fig. 1); wherein nuts 24-25 of the screw-nut mechanisms are connected to the brackets (via frame 9, fig. 1).

16. Claims 1-2, 8-10 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Nonoue et al. (6,224,563).

17. Re claims 1-2, Nonoue discloses a seat with a massage mechanism comprising: a pair of brackets 73 (fig. 4) held on opposite sides of a base frame 20/21 such that they can move vertically (fig. 2, col. 4 lines 25-37); a rod 52 arranged rotatably relative to the brackets (fig. 3); and a push roller 70 (fig. 3)



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held rotatably by the rod in a position eccentric from a rotational shaft center of the rod (best seen in fig. 4); links 75 connecting the rod 52 with the brackets 73 (fig. 4); an actuator 76 for rotating the rod 52 (fig. 3); and a driving mechanism 31-34 for vertically moving the brackets (fig. 2); wherein rod is supported by the brackets through the links, the actuator 76 is held by one of the links 75 (fig. 4), and the driving mechanism is held by the base frame 21 (fig. 2).

18. Re claims 8-10, Nonoue discloses the push rollers 70 are arranged symmetrically with respect to the center of the base frame (fig. 2); wherein the push rollers 70 are rotatably supported by arms 72 fixed to the rod 52 (fig. 4); wherein the arms each 72 hold a plurality of the push rollers 70 around the rotation center of the rod 52 (fig. 4).

19. Re claims 13-14, as best understood, Nonoue discloses a seat with a massage mechanism comprising: a pair of brackets 73 (fig. 4) held on opposite sides of a base frame 20/21 such that they can move vertically (fig. 2, col. 4 lines 25-37) by a driving mechanism 31-34 held by the base frame 21 (fig. 2); links 72 supported so as to be swung relative to the brackets 73; a rod 52 arranged rotatably relative to the brackets 73 (fig. 3); and a pair of push rollers 70 (fig. 3) rotatably held by the rod in a position eccentric from a rotational shaft center of the rod (best seen in fig. 4); wherein the rod 52 moves vertically along guide sections 22 and recessed sections (near 47 and 48 shown in fig. 2) on the opposite sides of the base frame; and when located in the recessed sections, the rod is positioned in the rear relative to the flanges (?) 22 (best seen in fig. 1);

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a spring 79 between each of the brackets 73 and each of the links 72 (fig. 4), wherein the links are urged toward the opposite sides of the base frame (fig. 4).

***Claim Rejections - 35 USC § 103***

20. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

21. Claims 11-12 and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nonoue in view of Takamura (6,840,914). Nonoue discloses the claimed invention except it is silent regarding the seat having a pad layer and being a vehicle seat. However, Takamura teaches a seat with a massage mechanism that can be incorporated into "the seat of chair, automobile, train and plane or the like" (col. 5, lines 51-57) and the seat includes a back portion and seat portion that are covered through a cushioning material such as polyurethane foam material (col. 5, lines 25-28). Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the device in the Nonoue's reference, as suggested and taught by Takamura, to include a cushioning layer covering the back and seat portion and to incorporate the massaging mechanism into the seat of automobile, for the purpose of providing a padding layer to enhance patient's comfort during use, especially sitting on an automobile chair during a long trip.

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***Allowable Subject Matter***

22. Claims 4-7 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten to overcome objections as set forth in this office action and in independent form including all of the limitations of the base claim and any intervening claims.

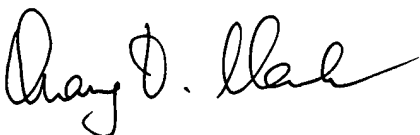
***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hamabe '449 teaches a chair massaging apparatus.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang D. Thanh whose telephone number is (571) 272-4982. The examiner can normally be reached on Monday-Thursday & alternate Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4887. The Central FAX phone number for the organization where this application or proceeding is assigned is (571) 273-8300 for all communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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